

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

ROBERT COTNER,)
)
)
Petitioner,)
)
v.) **Case No. CIV 08-458-JHP-KEW**
)
WALTER DINWIDDIE, Warden,)
)
)
Respondent.)

OPINION AND ORDER

Petitioner Robert Cotner is before the court again, this time with a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. Petitioner, an inmate incarcerated at Mack Alford Correctional Center in Stringtown, Oklahoma, alleges his sentence is void, and it constitutes cruel and unusual punishment. He claims administrative acts that enhanced his punishment, and the respondent's refusal to comply with Tenth Circuit case law, have placed him in imminent danger of serious physical injury and death. He apparently is claiming his Class X misconduct security points from 2007 should have been dropped ten years after the points were added. He also asserts that Department of Corrections officials have refused to honor his parole agreement and to release him.

Petitioner further complains about the alleged confiscation of his funds by state officials, denial of access to the courts, a "bogus" lockdown, and lack of mental health services. In addition to his petition, he has filed an Emergency Motion for Temporary Injunction and Notice to the Court [Docket #7], alleging his legal papers were confiscated, he was placed in solitary confinement, and he is not allowed to purchase postage stamps or to have the assistance of an inmate law clerk. Petitioner, however, should be well aware by

now that these claims are not proper for a habeas corpus action and will not be considered.

See Cotner v. Beck, No. CIV 04-029-Raw-Kew (E.D. Okla. Sept. 25, 2006).

The court has carefully reviewed the record and construes petitioner's pleadings liberally. *Haines v. Kerner*, 404 U.S. 519 (1972). This relaxed standard, however, does not relieve his burden of alleging sufficient facts on which a recognized legal claim could be based. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). Although petitioner's petition is rambling and almost incoherent, it appears he is attempting to re-litigate his habeas claims from *Cotner v. Beck*, No. CIV 05-007-JHP-Kew (E.D. Okla. Feb. 11, 2008). Petitioner clearly failed to state a claim in that case, and this case is no better.

ACCORDINGLY, this action is DISMISSED in its entirety as frivolous.

IT IS SO ORDERED this 10th day of April 2009.



James H. Payne
United States District Judge
Eastern District of Oklahoma